CONFERENCE ON DISARMAMENT

CD/PV.580
31 January 1991

ENGLISH

FINAL RECORD OF THE FIVE HUNDRED AND EIGHTIETH PLENARY MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 31 January 1991, at 10 a.m.

President: Mr. W. Rasaputram (Sri Lanka)

GE.91-60181/2812B

The PRESIDENT: I declare open the 580th plenary meeting of the Conference on Disarmament.

I have on my list of speakers today the representative of Sweden, who will speak in his capacity as Chairman of the Ad Hoc Committee on Chemical Weapons, to introduce the report of that Committee on its work during the inter-sessional period, as well as the representatives of the Netherlands and Canada. Once we reach the end of the list of speakers, I shall suspend the plenary meeting and convene an informal meeting of the Conference to consider requests for participation in our work which have been received from States that are not members. We shall later resume the plenary meeting to continue our examination of that subject.

I now give the floor to the Chairman of the Ad Hoc Committee on Chemical Weapons, Ambassador Hyltenius of Sweden, who will introduce the report of the Ad Hoc Committee, contained in document CD/1046.

Mr. HYLTENIUS (Sweden): I have the honour today to introduce the report of the Ad Hoc Committee on Chemical Weapons (CD/1046).

As you will recall, the Conference decided at the last meeting of the summer part of its session that the Ad Hoc Committee should hold open-ended consultations from 26 November to 21 December 1990, followed by a session of limited duration during the period 8 to 18 January 1991. As a result of this inter-sessional work the earlier report submitted to the Conference in August last year (contained in document CD/1033) has been considerably amended. Several new documents have been drafted, and parts of the earlier text have been moved from appendix II to appendix I and thus now form part of the so-called "rolling text". Moreover, the part of the "rolling text" containing the articles of the convention has been edited to make it more consistent and readable.

In 1990 the political issues involved in the drafting of the future convention were addressed to a much greater extent than before. This was done in a number of ways. The most comprehensive effort took place in the open-ended consultations on undiminished security and universal adherence. A convention of this magnitude cannot be dealt with only on a piecemeal basis. It is necessary also to have an overview of the political context and the component parts in their interrelationship. It became clear from the consultations that the convention must be effective and non-discriminatory in order to be sufficiently attractive. It must be considered an advantage to become a party to the convention. Correspondingly, it must be unattractive to stay outside. I believe that the open-ended consultations on these matters have increased understanding of the issues involved and thereby prepared the ground for final agreement on them. It has also opened a discussion on what can be done at this stage to promote widest possible adherence to the convention by means of declarations of intent, regional initiatives, etc.

My summary of the open-ended consultations on undiminished security and universal adherence is contained in appendix II to the Committee's report. In this context I note with particular satisfaction the increased number of

(Mr. Hyltenius, Sweden)

non-members of the Conference on Disarmament which are participating in the negotiations. This bodes well for the prospects of future adherence to the convention. The regional initiatives undertaken and planned are other examples of constructive contributions to these endeavours.

In this past year we have also worked very actively on verification issues. Apart from the active consideration of these issues in one of the Working Groups, which led to some important concrete results and to which I shall revert in a minute, a determined effort was made to come to grips with the problem of challenge verification, or - as I would prefer to name it - inspection on request. I presented a draft article IX, which was welcomed by a large number of delegations and extensively and intensively discussed. It did not prove possible, however, to agree on the article. It would, of course, have been a great achievement to settle this long-standing political problem relating to a cornerstone of the convention, but in my view there is no reason to be too discouraged by this situation. The remaining problems are now better known and understood by all delegations. This is a stage we must go through in order to achieve the convention.

In this connection it is interesting to note the efforts made in trial inspections on request to illustrate the problems encountered and find solutions to them. The Committee will in fact be in a better position than before to resolve this issue when it comes under renewed consideration.

The open-ended consultations on the Executive Council seemed by and large to confirm the viability of the existing provisions in appendix I, whereas it appeared that the issues of the composition and decision-making procedures of the Council were not yet ripe for solution.

Besides the complete treatment of major political hard-core issues that I have just outlined, considerable progress has been made on various issues which are now reflected in the new "rolling text". The disappointment over the lack of agreement on a few key issues must not obscure the considerable and concrete achievements made in the three Working Groups and by the Friends of the Chair.

From Working Group A we have received a new and final text on investigations of alleged use of chemical weapons, which is harmonized with the procedures available to the Secretary-General of the United Nations and is now included in the protocol on inspection procedures. In addition, painstaking work has been done in Working Group A, which has resulted in readable and, most importantly, implementable verification provisions in the annexes to articles IV and V. These provisions and similar provisions in the annexes to article VI have, furthermore, been harmonized with provisions in the protocol on inspection procedures. I wish to thank Mr. Sahbaz for his contributions to these important results.

Working Group B has been able to incorporate into the "rolling text" a complete order of destruction for chemical weapons as well as for chemical weapons production facilities. I would like to recall that before the 1990 session this was considered by representatives from all groups as one of the

(Mr. Hyltenius, Sweden)

main outstanding hurdles. It has now been overcome, and I especially thank Mr. Meerburg for his inventiveness and a good job done. Working Group B has also been able to elaborate further the schedules in the annex on chemicals, and to finalize the modalities for revision of schedules and guidelines. Moreover, considerable progress has been made on the issue of thresholds. Extremely useful material on low concentrations and on the "captive use" of listed chemicals has also been incorporated into appendix II.

Working Group C has made much headway on issues that were considered by most of us as major outstanding problems. We are particularly indebted to Dr. Krutzsch for his perseverance and enthusiasm. While the solutions to the issues of amendments, settlement of disputes and measures to redress a situation and to ensure compliance, including sanctions now incorporated into appendix I have not been finally elaborated, each of them constitutes a breakthrough not only technically but also politically. Finally, the material on "Financial aspects of the Organization" now in appendix II constitutes a valuable new basis for further work on an issue that is of major concern.

The open-ended consultations on article X (Assistance and protection against chemical weapons) continued during the inter-sessional period. Further progress was made, and it is my opinion that agreement is within reach on this important article. A Chairman's paper (CD/CW/WP.324) was issued as a basis for continued work. I am very grateful indeed to Ambassador García Moritán of Argentina and his deputy, Mr. Parini, for the very constructive and promising work undertaken on this issue.

Article XI is in my opinion another important part of the convention. I have conducted private consultations on this article during the whole year, and during the inter-sessional period I also held open-ended consultations on the matter. There is still no agreement on this, but the number of delegations which have reservations about including the draft text on the article in appendix I have diminished considerably.

The problem of old chemical weapons is now better analysed than before, but its solution still eludes us. I have the impression that further contacts on a bilateral basis between some of the countries particularly concerned will be necessary before it is possible to find an appropriate and generally acceptable solution in the multilateral context. I am most grateful to Ambassador Morel for his efforts and contributions as a Friend of the Chair in this difficult field. The outcome of the work on this matter is reflected in appendix II.

I am pleased to report that the problem of jurisdiction and control has been brought much closer to solution this year. A new text on "General undertakings" in article VII has been included in appendix I. A few references to this concept remain in the "rolling text", but I am convinced that they can be addressed without too much difficulty now that the general undertakings have been agreed. This is due to the energetic work done by Ambassador Reese and Mr. Morris of Australia, who conducted consultations on this issue on my behalf. I wish to express my warm thanks for their successful endeavours.

(Mr. Hyltenius, Sweden)

Although great emphasis has been put on the efforts this year to address the political issues, this does not mean that the technical questions have been neglected. I have already reported on the work and the important results achieved in Working Group B. In addition, several technical problems have been dealt with in the Technical Group on Instrumentation under the able Chairmanship of Dr. Rautio, and I should like to take this opportunity to thank her once more for her important contributions to this year's work.

The draft convention has been meticulously elaborated over several years by different negotiators and experts. It has gradually become rather difficult to read because of inconsistencies in nomenclature, numbering, punctuation etc. It was therefore felt that the present text had to be edited. An open-ended group led by Dr. Santesson of my delegatin embarked upon that work during the inter-sessional period, and the part of the "rolling text" containing the articles of the convention has now been edited. In addition, guidelines for future editing as well as a list of some outstanding editing issues have been circulated in a working paper (CD/CW/WP.323).

As the implementation of the future convention will also depend on co-operation with chemical industry, contacts with industry representatives are of particular importance. The Ad Hoc Committee's meetings with industry representatives provided the framework for in-depth discussions of some topical verification and technical issues. Diplomats and industrialists seem to have gained a better understanding of each other's perceptions and concerns than was the case in earlier years.

It is not possible to conduct a negotiation of this complex nature without the support of a very competent and efficient secretariat. The Ad Hoc Committee on Chemical Weapons is fortunate enough to have such support. I am particularly indebted to Mr. Bensmail, the long-standing Secretary of the Committee, whose contributions to our work in the last year and over a number of previous years can hardly be overestimated. He has been very ably assisted by Ms. Marcaillou, Ms. Darby and Mrs. Roux, and I wish to extend my warm thanks also to them. Other members of the secretariat too have contributed in an important manner. I am thinking especially of the interpreters and the translators. I am very grateful to all of them for their work and their understanding and co-operation in our common endeavour.

My own delegation has worked very hard indeed to contribute to the efforts which go into a chairmanship of this kind. I have many competent collaborators who have prepared the basis for much of the material which I have presented in the Committee - Mr. Molander, Dr. Santesson, Dr. Lau, Mr. Gierow, Dr. Runn and Mr. Grenstad. My gratitude also goes to the secretaries in my mission, who have borne much of the burden of producing the material.

I referred at the outset to the political framework of this negotiation. Let me conclude by reverting to this aspect. We can do much within this Conference to take political aspects into account in drafting the convention in such a manner that it becomes attractive enough to achieve wide, perhaps even universal, adherence. But in searching for ideal and well-elaborated

(Mr. Hyltenius, Sweden)

solutions let us not lose track of current events. The war in the Gulf reminds us that the problem of chemical warfare is an awesome possibility, and that every effort must now be made to bring our work to an early conclusion. It is more important and urgent than ever.

I wish the incoming Chairman, Ambassador Serguei Batsanov, every success. He had the competence, vision and determination required for the responsible task of guiding these negotiations.

The PRESIDENT: I thank the Chairman of the Ad Hoc Committee on Chemical Weapons for his presentation, as well as for the kind words addressed to the Chair. On behalf of the Conference, I thank Ambassador Hyltenius for the very effective and skilful way in which he performed his duties as Chairman of the Ad Hoc Committee.

As I explained at our last plenary meeting, the Conference will adopt the report contained in document CD/1046 at its next plenary meeting on Thursday, 7 February.

I now give the floor to the representative of the Netherlands, Ambassador Wagenmakers.

Mr. WAGENMAKERS (Netherlands): Allow me, Mr. President, to congratulate you on behalf of my delegation on taking up the high office of President of the Conference on Disarmament. We are sure that under your competent and dynamic leadership the CD's activities for this year will get under way smoothly and efficiently. let me assure you that the Netherlands delegation will make every effort to assist you in making your present stewardship effective and stimulating.

Most of our thoughts are directed nowadays towards the war in the Gulf, and rightly so. The Netherlands is taking an active share in the task of ensuring compliance with the relevant United Nations Security Council resolutions. As we are all aware, a dramatic dimension is looming over this war. I refer to the implicit and explicit threats which we have heard to use chemical weapons in that conflict. Needless to say, such threats cannot but compel us to achieve the most important objective on our agenda: an effective convention banning all chemical weapons once and for all. A convention worthy of our confidence to ensure that the scourge of chemical warfare is effectively removed from every region in the world. A convention of which we can be sure that it will be faithfully implemented and complied with everywhere, and which will not be considered by some as just another scrap of paper to be ignored. One of the tools which should give rise to confidence in complete implementation of the convention is a régime to trigger international inspections on request any time, anywhere, based on effective procedures to identify serious violations. Only such a régime will deter potential violators. We have already worked out some procedures for such inspections. We must test them in practice. And we must improve and complete them.

(Mr. Wagenmakers, Netherlands)

In this connection, I take pleasure in introducing today on behalf of both Canada and the Netherlands a report on a joint Canada/Netherlands chemical weapons trial challenge inspection of a military facility. This report is being circulated as document CD/1052, and also bears the number CD/CW/WP.327.

The inspection, which took place from 26 to 28 November 1990 at an operational military airfield containing garrisoned land forces, was the first bilateral trial inspection in the chemical weapons field for both participating countries. I may remark that the Netherlands has also been involved in a number of bilateral trial inspections in the field of conventional arms control. Last year, two joint inspection exercises took place with Poland to provide practical experience for the negotiations on the Treaty on Conventional Armed Forces in Europe, signed in Paris on 19 November 1990. As a further training effort for the implementation of this Treaty, a joint Canada/Netherlands trial inspection was held this week in the Netherlands. Observers from our partners in the Western European Union were invited to take part on that occasion.

I come back now to our Joint Canada/Netherlands chemical weapons trial inspection. Building on the experience of earlier national trial inspections, the aims of the inspection were firstly, to further test the inspection procedures laid down in the "rolling text"; secondly, to ascertain that compliance with a chemical weapons convention could be demonstrated without sensitive information being divulged; and, finally, to continue the training of the participants in organizing, carrying out and escorting such an inspection.

The inspection, carried out by Netherlands as well as Canadian inspectors, demonstrated the utility of conducting multinational exercises. It also demonstrated that reliable conclusions could be drawn under circumstances of managed access at an operational military facility. Furthermore, the exercise yielded a number of useful conclusions on problems still under discussion in the CD and pointed to some areas that still need to be addressed in our negotiations, and, perhaps, in the protocol on inspection procedures in the draft convention. These conclusions and recommendations are laid out in the report. Allow me, Mr. President, to dwell on a few of them.

With regard to the notification of the inspection site and the arrival of the inspection team, Canada and the Netherlands opted for the procedure whereby the site is notified by the requesting State after arrival of the inspection team at the point of entry, rather than simultaneously with the notification of the inspection request to the inspected State. In real life this would have enhanced the element of surprise. It was concluded, however, that the "rolling text" leaves many ambiguities as to the precise procedures that should be followed up to the actual beginning of the inspection. The exact time of the start of the inspection, for instance, about which the "rolling text" says little, leaves considerable opportunity for dispute. At the same time, the Technical Secretariat would encounter quite a number of problems in forming an inspection team if it was unaware, at that time, of the type and size of the site to be inspected.

(Mr. Wagenmakers, Netherlands)

During the exercise, the observer from the requesting State was given a considerable amount of leeway in observing the pre-inspection briefing, the debriefing and the activities of the inspection team and its subteams. It was felt afterwards that the observer would have been in a very good position to advise his national authorities on the efficacy of the conduct of the inspection and on its findings, without interfering with the inspection or obtaining sensitive information.

On the whole, the exercise showed that under circumstances of managed access, sensitive information could be adequately protected at this military site, while at the same time the inspection team was provided with enough information to draw reliable conclusions with regard to the presence of CW. One related problem was the inability of the inspection team to inspect medical records owing to Canadian laws that protect the privacy of the patient. It was felt that this issue should be carefully considered in the CD.

Canada and the Netherlands agreed that all samples would be analysed off-site at the TNO laboratories in the Netherlands. Although analysis at a fully equipped modern laboratory had the advantage of producing very reliable test results and, at the same time, reducing the size of the inspection team and the quantity of its equipment, off-site inspection posed the problem of maintaining the chain of custody during storage, transportation and analysis of the samples. As our experts are already aware, further consideration will need to be given to this matter.

On the whole the joint Canada/Netherlands trial challenge inspection amounted to a rather satisfactory and useful experience. It showed once more that the procedures laid down in the "rolling text" so far, although not yet perfect, do in principle provide an excellent framework for the carrying out of such inspections. It contains the instruments required to ascertain that the provisions of the future chemical weapons convention are complied with. I might therefore encourage all potential States parties to the future convention to participate in trial challenge inspections, in order to help us further fine-tune this aspect of the CW verification régime.

Some of the issues we have identified in our report on the trial challenge inspection could possibly be addressed in the Ad Hoc Committee and its subgroups, while other issues might not need to be addressed until a later stage. This is a matter for discussion by our technical and legal experts.

I should not let this opportunity go by without thanking the Canadian authorities, both military and civilian, for their splendid co-operation. As the inspection took place in Germany, our appreciation also goes, of course, to the German authorities.

Finally, we look forward to and count on the completion of our negotiations this year. We believe therefore that the new Ad Hoc Committee on Chemical Weapons should be set up without delay. The new "rolling text" just introduced by the former Chairman of the Ad Hoc Committee on Chemical Weapons provides an excellent basis for continuing, if not redoubling, our efforts.

(Mr. Wagenmakers, Netherlands)

My delegation wishes to avail itself of this opportunity to express our appreciation and respect to Ambassador Hyltenius and his team for the invaluable services they have rendered to the CWC negotiating process. We are confident that Ambassador Batsanov will push on in the same vein.

The PRESIDENT: I thank the representative of the Netherlands for his statement and for the kind words addressed to the Chair. I now give the floor to the representative of Canada, Ambassador Shannon.

Mr. SHANNON (Canada): May I, at the outset, Mr. President, offer you my congratulations on your assumption of the presidency of this Conference and wish you every success, and may I also welcome our new ambassadorial colleagues among our ranks?

The report we are presenting today on the joint Canada/Netherlands trial CW challenge inspection comes at a time of great international crisis. World attention is focused on the conflict in the Persian Gulf and on the danger that chemical weapons might yet again be used, in violation of the 1925 Geneva Protocol. The spectre of possible chemical weapons use in the Gulf highlights the importance of our work, as we seek to rid the world of these weapons of senseless mass destruction. We must respond to this challenge with redoubled effort.

Last year Canada welcomed the Netherlands proposal to conduct a joint inspection and, in fact, to create a binational inspection team. We felt that this would exemplify many of the characteristics of an international team dispatched by the Director-General of the Proposed Technical Secretariat. Our first collaboration with the Netherlands in a CW trial inspection capacity took place in June 1990, and was reported in CD/1030/Rev.1. In this first endeavour, Canadian officials conducted a practice "routine" inspection at a Canadian pharmaceutical facility. An observer from the Netherlands Ministry of Foreign Affairs attended. However, the full integration of officials from both countries in carrying out the joint Canada/Netherlands trial challenge inspection at Canadian Forces Base (CFB) Lahr in Germany went further, in a multinational sense, than our earlier national practice inspection. And, as the trial inspection took place on German territory, we had an additional multinational feature: the presence of German observers throughout the inspection.

I would like to draw attention to another aspect of this inspection and its procedures. The Canadian in-country escort team had been trained to receive inspections in relation to quite a different set of treaty obligations, namely, those of the Treaty on Conventional Armed Forces in Europe. We found that the escort team's operating procedures, we well as those of the personnel of the inspected site, could be modified without great difficulty to meet many of the needs of the CW challenge inspection. In a similar vein, I would like to suggest that certain of the considerations taken into account and finding expression in the Protocol on Inspection of the Treaty on Conventional Armed Forces in Europe might be of interest to our experts as we refine and conclude the protocol on inspection procedures in the "rolling text" of the CW convention. What I am referring to is a cross-fertilization of ideas as we try to devise a set of procedures that will work in practice, not just look good on paper.

(Mr. Shannon, Canada)

My Netherlands colleague has already touched on the "managed access" element of the joint trial challenge inspection of CFB Lahr. I would like to add a point of reinforcement from the perspective of the inspected State. Even though normal security sensitivities applied to CFB Lahr as an operational military airfield and a garrison for land forces, the "managed access" approach to particular facilities and equipment was able both to meet the needs of the inspection team and to satisfy the security concerns of the inspected State.

As an aside, I want to express here to my Netherlands colleague our deep pleasure and appreciation for the opportunity afforded us to work so closely with our Dutch colleagues and to remark upon the professionalism which both the Netherlands Foreign Ministry and the Ministry of Defence displayed throughout this exercise.

Mr. President, my delegation offers to you, at the beginning of substantive work of this CD session, our full support as we strive to conclude, a soon as possible, a CW convention that will result in the complete destruction of chemical weapons stockpiles and remove for ever the fear that such horrible weapons might again be used. This year has seen the threat of CW use raised again; our task is to ensure the year does not end with the question of the control of CW still unresolved.

I take this opportunity to add that, as in previous years, my delegation will be distributing, through the secretariat, copies of the latest compendiums of CW-related documents and statements delivered during the 1990 session.

The PRESIDENT: I thank the representative of Canada for his statement and for the kind words addressed to the Chair. That concludes my list of speakers. Does any other delegation wish to take the floor at this stage? I see none.

As announced at the opening of this plenary meeting, I shall now suspend it and convene an informal meeting to consider requests from non-members to participate in the work of the Confernce.

The meeting was suspended at 10.50 a.m. and resumed at 10.55 a.m.

The PRESIDENT: The 580th plenary meeting of the Conference on Disarmament is resumed.

As a result of the informal meeting that we have just held, I propose that we take a decision on 34 requests from non-member States to participate in our work, on the basis of the note by the President which the secretariat has circulated today as document CD/WP.400. Since no objections were raised at the informal meeting, I suggest that we now adopt this decision.

It was so decided.

The PRESIDENT: In connection with the decision just taken, I wish to state the following:

As is well known, the Conference on Disarmament is a specialist body. It is the unique global multilateral disarmament negotiating forum. There is a tradition among CD members of concentrating in their discussions very much on the disarmament issues at hand. This has been the general practice as well for the non-members invited to participate. Many non-members have made contributions of outstanding practical value to our disarmament work. I trust - and am confident - that those non-members whom we have just invited will make a constructive contribution to the negotiations and, as the case might be, pre-negotiations on the disarmament issues they have chosen. It is understood that, in accordance with the rules of procedure and the practice of the Conference, invitations extended to non-members are for the 1991 session. It goes without saying that any action from which our negotiations would not benefit would be most inappropriate. In fact, the participation of States non-members of the Conference should contribute to the universality of disarmament agreements.

Our negotiations on a convention banning chemical weapons have shown encouraging progress. This is all the more timely since we have witnessed in the recent past how much suffering chemical weapons may cause. May I therefore remind all delegations, those of member States as well as those of States wishing to accede to the status of participating non-members, that all States participating in the Paris Conference on the prohibition of chemical weapons made the following call in its Final Declaration: "In addition, in order to achieve as soon as possible the indispensable universal character of the convention, they call upon all States to become parties thereto as soon as it is concluded." In this context I wish to note that all 34 States non-members that have addressed communications to us have indicated their wish to be invited to participate in our negotiations on the banning of chemical weapons.

There is no other business, and I shall therefore adjourn this plenary meeting. I wish to recall that, as agreed by the Conference at its 575th plenary meeting on 21 August 1990, and as indicated in our programme of work for this session, as from the coming week we shall hold one plenary meeting every week, preferably on Thursdays. This being the case, the next plenary meeting of the Conference on Disarmament will be held on Thursday, 7 February, at 10 a.m.

The meeting rose at 11 a.m.